

## DECLARATION

As a below-named inventor, I hereby declare that:

My correct residence, post office address and citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

**"File Access Control in a Multi-Protocol File Server"**

The specification of this subject matter:

- ☐ is attached hereto.
- X was filed on March 3, 1998;
- X was assigned Serial No. 09/035,234;

which was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I believe the subject matter claimed in the above-identified application to be new and to be unobvious to persons of ordinary skill in the art in view of the prior art of which I am aware. I further hereby state that the specification of the above-identified patent application adequately describes how to make and use the claimed invention, and further that it sets forth the best mode for practicing the invention known to me as of the date that the application was filed. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) or patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application No.	Country	Filing Date	Priority Claimed
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Application No.	Filing Date	Status (Issued, Pending, Abandoned)
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FULL NAME OF INVENTOR 1	FIRST Name	MIDDLE Initial(s)	LAST Name
	David		Hitz

RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	Portola Valley	California	United States

POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	245 Old Spanish Trail	Portola Valley	California	94028

FULL NAME OF INVENTOR 2	FIRST Name	MIDDLE Initial(s)	LAST Name
	Andrea		Borr

RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	Los Gatos	California	United States

POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	785 Rancho Prieta Road	Los Gatos	California	95033

FULL NAME OF INVENTOR 3	FIRST Name	MIDDLE Initial(s)	LAST Name
	Robert	J.	Hawley

RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	San Jose	California	United States

POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	1233 Hillcrest Drive	San Jose	California	95120-4037

FULL NAME OF INVENTOR 4	FIRST Name	MIDDLE Initial(s)	LAST Name
	Mark		Muhlestein

RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	Morgan Hill	California	United States

POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	15105 Venetian Way	Morgan Hill	California	95037

FULL NAME OF INVENTOR 5	FIRST Name	MIDDLE Initial(s)	LAST Name
	Joan		Pearson

RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	Menlo Park	California	United States

POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	692 Sand Hill Circle	Menlo Park	California	94025

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature Page Follows



\_\_\_\_\_  
Signature of Inventor 1

\_\_\_\_\_  
Date

Andrew Borr  
Signature of Inventor 2

August 6, 1998  
Date

\_\_\_\_\_  
Signature of Inventor 3

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Inventor 4

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Inventor 5


\_\_\_\_\_  
Date

Signature of Inventor 1

Date \_\_\_\_\_

Signature of Inventor 2

Date \_\_\_\_\_

  
Signature of Inventor 3

8/14/58  
Date

Signature of Inventor 4

Date \_\_\_\_\_

Signature of Inventor 5

Date \_\_\_\_\_

Chemical	Concentration	Time	Temperature	Pressure	Flow rate	Yield	Purity	Characterization
1,2-dichloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	85%	98%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	78%	95%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	72%	92%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	75%	94%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	70%	90%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	73%	93%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	68%	88%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	71%	91%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	65%	85%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	69%	89%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	63%	83%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	66%	86%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	60%	80%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	62%	82%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	58%	78%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	59%	79%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	55%	75%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	56%	76%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	52%	72%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	53%	73%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	48%	68%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	49%	69%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	45%	65%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	46%	66%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	42%	62%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	43%	63%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	38%	58%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	39%	59%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	35%	55%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	36%	56%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	32%	52%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	33%	53%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	28%	48%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	29%	49%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	25%	45%	<sup>1</sup> H NMR, IR, MS
1,1,2,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	26%	46%	<sup>1</sup> H NMR, IR, MS
1,1,1,2-tetrachloroethane	0.1 M	24 h	40 °C	1 atm	1.0 mL/min	22%	42%	



_____ Signature of Inventor 1	_____ Date	_____ Signature of Inventor 2	_____ Date
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_____ Signature of Inventor 3	_____ Date	_____ Signature of Inventor 4	_____ Date
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<u>Joan Pearson</u> Signature of Inventor 5	<u>August 6, 1998</u> Date
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## POWER OF ATTORNEY

Network Appliance, Inc., a California corporation, assignee of the application for United States

Letters Patent for an invention entitled:

**File Access Control in a Multi-Protocol File Server**

invented by:

David Hitz, Andrea Borr, Robert James Hawley, Mark Muhlestein and Joan Pearson

- ☐ executed on even date herewith, or
- ☒ having Serial No. 09/035,234, filed March 3, 1998,

do(es) hereby appoint Steven A. Swernofsky, Registration No. 33,040, as attorney of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connect therewith, and certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, a copy of which is attached, from the inventor(s) of the patent application identified above.

Please send all correspondence and direct all telephone calls to:

Steven A. Swernofsky  
The Law Offices of Steven A. Swernofsky  
P.O. Box 390013  
Mountain View, CA 94039-0013  
Telephone (650) 947-0700

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

I, the undersigned, declare that I am the (an) assignee of the above-identified application, or, if the assignee is a corporation, partnership, or other association, I am authorized to make this appointment on behalf of the assignee, and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Full Assignee Name: Network Appliance, Inc.

Post Office Address: 2770 San Thomas Expressway, Santa Clara, CA 95051

Francine B. Bellet  
Signature

8/5/98  
Date

Francine B. Bellet  
Print Name

Corporate Attorney  
Title

## ASSIGNMENT

WHEREAS, we, David Hitz, a citizen of the US, residing at 245 Old Spanish Trail, Portola Valley, CA 94028, Andrea Borr, a citizen of the US, residing at 785 Rancho Prieta Road, Los Gatos, CA 95033, Robert James Hawley, a citizen of the US, residing at 1233 Hillcrest Dr., San Jose, CA 95120-4037, Mark Muhlestein, a citizen of the US, residing at 15105 Venetian Way, Morgan Hill, CA 95037 and Joan Pearson, a citizen of the US, residing at 692 Sand Hill Circle, Menlo Park, CA 94025 have invented a "File Access Control in a Multi-Protocol File Server" for which we have executed application papers for a U.S. patent thereon, which was filed on March 3, 1998, Serial No. 09/035,234; and

WHEREAS, Network Appliance, Inc. a California corporation, having a place of business at 2770 San Thomas Expressay, Santa Clara, California 95051 is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and in all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, we, David Hitz, Andrea Borr, Robert James Hawley, Mark Muhlestein and Joan Pearson, do sell, assign, transfer and set over unto the said Network Appliance, Inc., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all letters patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Network Appliance, Inc., its successors and assigns, in accordance with this Assignment.

WITNESS OUR HAND at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Signature and Notary Page Follows

WITNESS OUR HAND at Santa Clara, CA, this 14<sup>th</sup> day of August, 1998.

[Signature]  
David Hitz

[See Attached Original]  
Andrea Borr

[See Attached Original]  
Robert Hawley

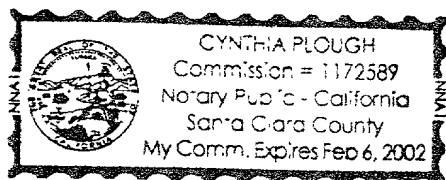
[See Attached Original]  
Mark Muhlestein

[See Attached Original]  
Joan Pearson

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

On this 14<sup>th</sup> day of AUGUST, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared David Hitz personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



[Signature]  
NOTARY PUBLIC

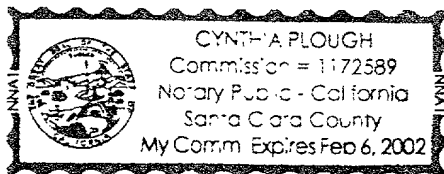
WITNESS OUR HAND at Santa Clara, CA, this 14th day of August, 1998.

[Signature]  
Robert Hawley

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) ss.

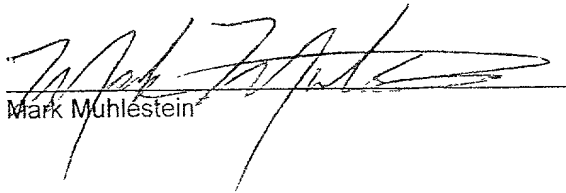
On this 14th day of August, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared Robert Hawley personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



[Signature]  
NOTARY PUBLIC

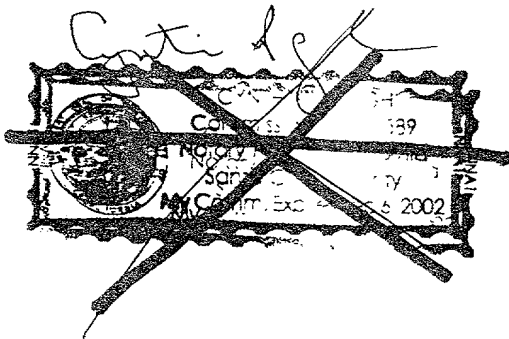
WITNESS OUR HAND at Santa Clara, CA, this 7<sup>th</sup> day of August, 1998.

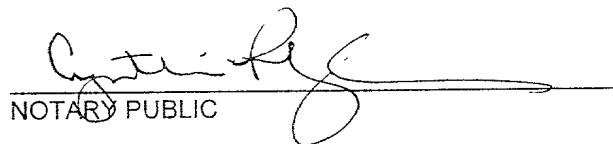
  
Mark Muhlestein

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) ss.

On this 7<sup>th</sup> day of August, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared Mark Muhlestein personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



  
NOTARY PUBLIC



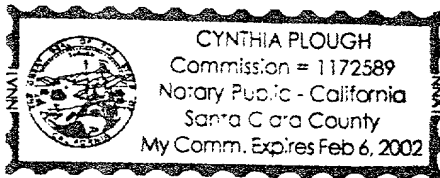
WITNESS OUR HAND at Network Appliance, this 21<sup>ST</sup> day of September, 1998.

Andrea Borr  
Andrea Borr

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SANTA CLARA )

On this 21<sup>ST</sup> day of SEPTEMBER, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared Andrea Borr personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Cynthia Plough  
NOTARY PUBLIC

WITNESS OUR HAND at Santa Clara, CA. this 6 day of August, 1998.

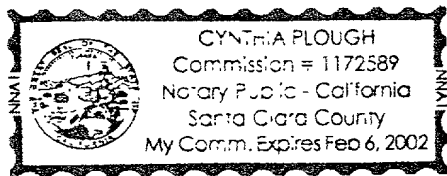
Joan Pearson

Joan Pearson

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

On this 6th day of AUGUST, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared Joan Pearson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Cynthia Plough  
NOTARY PUBLIC